

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT D. SANGO,

Plaintiff,

Case No. 1:12-cv-1179

v.

Honorable Paul L. Maloney

UNKNOWN RIGGS,

Defendant.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On January 2, 2013, the Court entered a second order of deficiency (docket #7) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the certified copy of a prisoner trust account statement and an affidavit of indigence as required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed 28 days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Plaintiff failed to pay the \$350.00 civil action filing fee or to submit all of the requisite documents to apply to proceed *in forma pauperis*. While Plaintiff filed an affidavit of indigence (docket #6) and a trust account statement (docket #9), he did not fully comply with the second deficiency order. Plaintiff was supposed to file a certified trust account statement for the six months preceding the filing of his complaint on October 29, 2012. *See* 28 U.S.C. § 1915(a)(2); *McGore v. Wigglesworth*, 114 F.3d 601, 609 (6th Cir. 1997). Instead, Plaintiff filed a non-certified trust account statement for the period of October 1, 2012 to December 31, 2012.

Because Plaintiff has failed to comply with the Court's order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore*, 114 F.3d at 604.

On October 29, 2012 and November 21, 2012, Plaintiff also filed two motions for joinder (docket ##2, 4), in which he seeks to join the instant action with two other pending actions, *Sango v. Dennis et al.*, 1:12-cv-332 (W.D. Mich.), and *Sango v. Grambau*, No. 1:12-cv-1199 (W.D. Mich.). Because this Court is dismissing the instant action without prejudice, Plaintiff's motions for joinder (docket ##2, 4) will be DENIED as moot.

IT IS SO ORDERED.

Dated: February 7, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge